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Motorola, Inc.  
Intellectual Property Section  
Law Department  
1303 E. Algonquin Rd.  
Schaumburg, IL 60196

Telephone: (847) 538-2725  
Facsimile: (847) 576-3750

Number of Pages (including this page)

Date: February 2, 2004

To: Examiner Ewart, James D. - Group Art Unit 2683

Location: United States Patent and Trademark Office

Fax No.: 703-872-9306

From: Jeffrey K. Jacobs (Registration No. 44,798)

Subject: Serial No. 09/840,538

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**MESSAGE:**

Enclosed herewith, please find an AMENDMENT and RESPONSE for filing in the below-identified application.

**PLEASE GIVE THESE PAPERS TO:**

EXAMINER:	<b>EWART, James D.</b>
GROUP ART UNIT:	<b>2683</b>
SERIAL NO.:	<b>09/840,538</b>
FILED:	<b>04/23/2001</b>
INVENTOR:	<b>Love et al.</b>
DOCKET NO.:	<b>CE08613E</b>

PTO/SB/21 (08-00)

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In this Submission

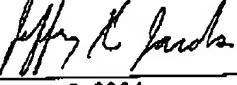
Application Number	09/840,538
Filing Date	04/23/2001
First Named Inventor	Love et al.
Group Art Unit	2683
Examiner Name	Ewart, James D.
Attorney Docket Number	CE08613R

**ENCLOSURES**

(check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-Related papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter with appropriate copies
<input type="checkbox"/> Extension of time Request	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Response to Restriction Requirement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Associate Power of Attorney
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> RCE
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Copy of Notice to File Missing Parts	
<input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Transmittal of Formal Drawings	
	<input type="checkbox"/> Response to Notice of Non- Recordation of Documents	
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual	Jeffrey K. Jacobs	Registration No.	44,798
Signature			
Date	February 2, 2004		

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage thereon, as Express Mail (Label No. EU699800544US), in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on the date listed below:

Typed or printed name	Nanette Orr	Date	February 2, 2004
Signature			

<b>FEE TRANSMITTAL</b>  <small>Patent fees are subject to annual revision</small>				<i>Complete if Known</i>																																																																																																																																																																																																													
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<b>METHOD OF PAYMENT</b>				<b>FEES CALCULATION (continued)</b>																																																																																																																																																																																																													
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <p>Deposit Account Number <b>502117</b></p> <p>Deposit Account Name <b>Motorola, Inc.</b></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee required under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity</th> <th style="text-align: left;">Small Entity</th> <th colspan="2"></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or cash</td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>66</td><td>Extension for reply within first month</td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td></tr> <tr><td>1254</td><td>1450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td></tr> <tr><td>1255</td><td>1970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>180</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td></tr> <tr><td>1404</td><td></td><td></td><td></td><td>Petition to Institute a public use proceeding</td></tr> <tr><td>1451</td><td>1610</td><td>1461</td><td>1510</td><td>Petition to revive - unavoidable</td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unintentional</td></tr> <tr><td>1453</td><td>1300</td><td>2453</td><td>650</td><td>Utility issue fee (or reissue)</td></tr> <tr><td>1601</td><td>1300</td><td>2501</td><td>650</td><td>Design issue fee</td></tr> <tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Plant issue fee</td></tr> <tr><td>1603</td><td>630</td><td>2503</td><td>315</td><td>Petitions to the Commissioner</td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Processing fee under 37 CFR 1.17(q)</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Submission of IDS</td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td></td></tr> <tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td></td></tr> <tr><td>1810</td><td>750</td><td>2810</td><td>375</td><td></td></tr> <tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td></td></tr> <tr> <td colspan="4" style="text-align: right; padding-right: 10px;">           * Reduced by Basic Filing Fee paid         </td> <td colspan="4" style="text-align: right; padding-right: 10px;"> <b>SUBTOTAL (3) (\$)</b> </td> </tr> <tr> <td colspan="4"></td> <td colspan="4" style="text-align: right; padding-right: 10px;">           Complete (if applicable)         </td> </tr> <tr> <td colspan="4"> <small>*OR NUMBER PREVIOUSLY PAID, IF GREATER THAN STANDARD ALLOWANCE. *For Reissues, add above</small> </td> <td colspan="4"></td> </tr> <tr> <td colspan="4"> <b>SUBMITTED BY</b> </td> <td colspan="4"></td> </tr> <tr> <td>Name (Print/Type)</td> <td colspan="3">Jeffrey K. Jacobs</td> <td>Registration No.</td> <td>44,798</td> <td>Telephone</td> <td>847-576-5582</td> </tr> <tr> <td>Signature</td> <td colspan="3"><i>Jeffrey K. Jacobs</i></td> <td>Date</td> <td colspan="3">February 2, 2004</td> </tr> </tbody></table>				Large Entity	Small Entity			Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	1051	130	2051	65	Surcharge - late filing fee or cash	1052	50	2052	25	Surcharge - late Provisional filing	1053	130	1053	130	Non-English specification	1812	2520	1812	2520	For filing a request for ex parte Reexamination	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	1251	110	2251	66	Extension for reply within first month	1252	410	2252	205	Extension for reply within second month	1253	930	2253	465	Extension for reply within third month	1254	1450	2254	725	Extension for reply within fourth month	1255	1970	2255	985	Extension for reply within fifth month	1401	320	2401	160	Notice of Appeal	1402	320	2402	180	Filing a brief in support of an appeal	1403	280	2403	140	Request for oral hearing	1404				Petition to Institute a public use proceeding	1451	1610	1461	1510	Petition to revive - unavoidable	1452	110	2452	55	Petition to revive - unintentional	1453	1300	2453	650	Utility issue fee (or reissue)	1601	1300	2501	650	Design issue fee	1502	470	2502	235	Plant issue fee	1603	630	2503	315	Petitions to the Commissioner	1460	130	1460	130	Processing fee under 37 CFR 1.17(q)	1807	50	1807	50	Submission of IDS	1806	180	1806	180		8021	40	8021	40		1809	750	2809	375		1810	750	2810	375		1801	750	2801	375		1802	900	1802	900		* Reduced by Basic Filing Fee paid				<b>SUBTOTAL (3) (\$)</b>								Complete (if applicable)				<small>*OR NUMBER PREVIOUSLY PAID, IF GREATER THAN STANDARD ALLOWANCE. *For Reissues, add above</small>								<b>SUBMITTED BY</b>								Name (Print/Type)	Jeffrey K. 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I hereby certify that this correspondence is being transmitted via facsimile  
to the Assistant Commissioner for Patents at (703) 872-9306  
(Attention: Examiner Ewart)  
on: February 2, 2004.

Nantie On 2/2/2004  
Signature date

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- PATENT -

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Love et al. EXAMINER: Ewart, James D  
SERIAL NO.: 09/840,538 GROUP: 2683  
FILED: 04/23/2001 CASE NO.: CE08613R  
ENTITLED: METHOD OF DYNAMIC TRANSMIT SCHEDULING USING CHANNEL QUALITY  
FEEDBACK

Motorola, Inc.  
Corporate Offices  
1303 E. Algonquin Road  
Schaumburg, IL 60196  
February 2, 2004

**AMENDMENT AND RESPONSE**

Honorable Assistant Commissioner of  
Patents and Trademarks  
Alexandria, VA 22313-1450

Sir:

In view of the issues raised in the office action mailed October 6, 2003, the applicants hereby respectfully submit the following amendment and response. Entry of the amendments submitted herein, reconsideration of any outstanding objections and/or rejections, and allowance of the application are respectfully requested.

02/10/2004 LDILLON 0000002 502117 09840538

01 FC:1251 110.00 DA